

## **CITY COUNCIL MINUTES**

**June 23, 2014**

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, June 23, 2014 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President John Friend presiding and conducting the following business.

**Meticulous effort was employed to present a verbatim transcript of this meeting. Audio recordings of this meeting are on file in the City Clerk's Office.**

**President Friend:** The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

### **ROLL CALL:**

**Present:** McGinn, Mosby, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Friend

**Absent:** Robinson

**President Friend:** There being eight (8) members present and one (1) member absent and eight (8) members representing a quorum, I hereby declare this session of the Common Council officially open.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance will be led by Councilman Lindsey.

**President Friend:** Well, fellow Councilmen and those in attendance, I welcome you to the June 23, 2014 meeting of the Common Council.

### **COUNCIL ATTORNEY**

Our attorney tonight is Mr. Danks, Scott Danks.

### **SERGEANT AT ARMS**

The Sergeant at Arms is Officer Kirby. Thank you for coming.

I need a motion to approve the minutes of the June 9<sup>th</sup>, 2014 meeting of the Common Council as written.

I had a motion made by Councilwoman Mosby and seconded by Councilman O'Daniel to approve the minutes of the regular meetings of the Common Council held June 9, 2014 as written. Voice vote. So ordered.

## **REPORTS AND COMMUNICATIONS**

### **IN YOUR JUNE 20<sup>th</sup> PACKET:**

- \* City Council Meeting Agenda and Committee Meeting Schedule for June 23, 2014
- \* Ordinances F-2014-7 Amended, G-2014-11, G-2014-12, G-2014-13, G-2014-14, R-2014-13 and R-2014-14 Amended
- \* Resolutions C-2014-15 (Docket), C-2014-16 (Docket) and C-2014-17
- \* Evansville Redevelopment Commission Minutes dated June 3, 2014
- \* Area Plan Commission Report dated June 13, 2014
- \* 2014 Tax Phase-In Compliance Summary of Findings from Growth Alliance
- \* Memorandum from City Controller regarding the 2014 Evansville Redevelopment Authority

### **EMAILED MATERIAL:**

- \* City Council Meeting Minutes for June 9, 2014

### **ON YOUR DESK THIS EVENING:**

- \* Extended Agenda
- \* Weights & Measures May - June Monthly Report
- \* Letter from concerned citizen regarding smoking in the bus terminal downtown

**President Friend:** I need a motion to receive, file and make these reports and communications a part of the minutes of the meeting.

Councilman Lindsey moved and Councilwoman Mosby seconded the motion to make these reports and communications a part of tonight's meeting. Voice vote. Goes forth

## **SUSPENSION OF THE RULES**

**President Friend:** There is a motion to suspend the rules for the Ordinance G-2014-13 on all three readings this evening. This would require a unanimous vote to be able to do this. Would you like to make a comment?

**Unidentified Speaker:** *(Off Mic) (Inaudible)*

**President Friend:** Yeah. Well before we go into this, hey Debbie, why don't you give us some insight on this?

**Debbie Dewey of GAGE:** Okay. For the record, I'm Debbie Dewey with the Growth Alliance for Greater Evansville. Today the Economic Development Commission met and they passed Resolution #2014EEDC-14. This is recommending to the Common Council of the City of Evansville that they pass Ordinance G-2014-13, designating the property bounded by E. Walnut Street, Sycamore Street, S. New York Avenue and Highway 41 as an economic target area for Indiana State Code 6-1.1-12.1-7. This designation would allow the City the option of providing

some economic development incentives for this property in terms of tax phase-in to businesses that would not otherwise be eligible for this.

Investment in the area has become undesirable for normal development and occupancy because of a lack of development and investment, succession of growth, and deterioration of the buildings. In fact, the seven-acre site consists of 32 residential buildings, many of which have assessed as poor condition or E Level condition by the Vanderburgh County Assessor. In fact, a number of the structures, 70% of them, 25, have been included by the City in an application for Indiana's Hardest Hit Fund, a blight elimination program for funding to help demolish these blighted buildings. Even though we won't know if that grant is received until next month, the fact that 25 of these structures were included in that grant application for demolition because of their blight supports the deterioration of the area.

The property is adjacent to what will be the new cloverleaf construction at the intersection of Highway 41 and the Lloyd Expressway, making it even more undesirable for residential development.

The recently published Sustainable Evansville Area Coalition Report makes a strong case for redevelopment of the city core rather than continued urban sprawl that requires more resources to provide roads, water and sewer, and emergency services. However, starting with a property like this for a perspective buyer, they have a higher initial purchase price and higher initial taxes versus going outside the city limits or the city core to find the land and so very often it's to attract the investment in these blighted areas, we need to provide some kind of an incentive.

This ordinance of targeting this as an economic target area will allow us some more flexibility in what we might do to attract investment to that area.

The perspective buyers of the area are New Odyssey Investments and D-Patrick. We have representatives here tonight: Mr. Ray Barbarel, Mark Samila, and Mike O'Daniel if you have any questions for them. Again, they are the perspective buyers. They're considering this as a new location but it will depend upon what we might be able to do help to make that work for them.

So from the economic development perspective, we would recommend that you approve the area to be an economic target area. Again, it just gives more flexibility with whatever Council might want to do in terms of incentives.

**President Friend:** If I may add, some of you folks may not have been on Council back in 2008. This was actually done at the corner of Diamond Avenue and First Avenue when Lowes was looking at that to develop that, that was one of the things they were attempting, and because it was retail, we had to do that.

**Debbie Dewey of GAGE:** That's right.

**President Friend:** Any other questions? I'm sorry, you was...

**Debbie Dewey of GAGE:** The state statute doesn't allow you to provide those kind of incentives for these types of retail businesses unless it's in an economic target zone and to be in that target zone, you have to have demonstrated that there's blight, reduction in property values, and hard to attract investment, unless you do something like this.

One of the reasons that we've asked for approval of the ordinance tonight is the decision that New Odyssey Investments and D-Patrick has to made is dependent...they're trying to vacate to support the IU medical school schedule, so they need to make a decision of where they're going to go, wherever that is, as quickly as possible. So understanding what might be happening with this property will play a part in their decision.

**President Friend:** Do we have any questions from other members?

**Councilman Adams:** On Page 5 it suggests that they would occupy, if they're lucky enough to get this and go forward with this, that they would be able to go in by August of 2015. I imagine that's the latest date that they would go in and the question...

*Speaking Simultaneously*

**Debbie Dewey of GAGE:** I think that's the case and I'll look to Mr. Samila.

**Councilman Adams:** That's cutting it pretty close if the med school is going opening August of 2017.

**Mark Samila:** Yes, Mark Samila of the law firm of Kahn, Dees, Donovan and Kahn on behalf of D-Patrick and New Odyssey Investments, LLC. Yes Councilman, we are on a very, very tight timeframe to try to acquire and develop whatever location they're going to be going to so that's one of the reasons why we're here this evening.

**Councilman Adams:** Is that the outside of the bell shaped curve or is that your actual hitting date?

**Mark Samila:** Um...

**Councilman Adams:** I would, if this comes to pass, I would...I'd love for you to...

**Mark Samila:** Yes, we...

**Councilman Adams:** We'd love it if you can.

**Mark Samila:** Yes, that is close to the very outside. We ultimately need a decision; would like to have the decision by the City Council in August that in order to begin construction because homes will have to be razed, the ground will have to be prepped for construction. This is not a Greenfield site, it's a Brownfield site and so the time and the cost of prepping the ground for construction is substantially longer than it would be for a Greenfield site.

**Councilman Adams:** Can you do it before August?

**Mark Samila:** Can we do it before August? I don't...we will certainly try. A lot of that will depend upon the due diligence that has to be done on the property, environmental surveys...

**Councilman Adams:** Sure.

**Mark Samila:** Things of that nature and then also, some issues involving the seller and their ability to close on the property but we are trying to push to have this done as quickly as possible.

**Councilman Adams:** Thank you.

**President Friend:** Yes.

**Councilman McGinn:** A question. Mark or Debbie, whoever can answer this. It's my understanding that all these properties, this is a situation where we have a willing buyer and willing seller and there's not a condemnation by the City intergovernmental agency anywhere on the horizon. Is that a fair statement?

**Mark Samila:** Yes.

**Debbie Dewey of GAGE:** Yes.

**Councilman McGinn:** Okay, thanks.

**President Friend:** Any other questions? From the...we're going be...we're going to have a...when we get to the Third Reading ma'am, I'm just (*Inaudible*), we'll have open discussion at that time where we'd have everybody up.

Okay, with that I'd entertain a motion. Go ahead.

**Councilman O'Daniel:** Can I have a motion to suspend the rules and bring this to First, Second, and Third Readings tonight?

**Council Attorney Danks:** What you will need to get it to a Third Reading...

**Unidentified Speaker:** Right.

**Council Attorney Danks:**...and it has to be unanimous.

*Speaking Simultaneously*

**Councilman O'Daniel:** I think it should be unanimous. It has to be unanimous tonight not just 2/3.

**President Friend:** Yes. *(Inaudible)*

**Councilman Adams:** I'll second it.

**President Friend:** Okay, a motion by Councilman O'Daniel and seconded by Dr. Adams. Okay, please call the roll.

### **ROLL CALL**

**Aye:** McGinn, Mosby, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Friend

**Absent:** Robinson

**President Friend:** With eight (8) Ayes and zero (0) Nays, Ordinance G-2014-13 will be heard on all three readings this evening. Thank you very much.

**Debbie Dewey of GAGE:** Thank you.

### **CONSENT AGENDA**

#### **FIRST READING OF ORDINANCES AND RESOLUTIONS**

<b><u>ORDINANCE G-2014-11</u></b>	<b><u>PUBLIC WORKS</u></b>	<b><u>LINDSEY</u></b>
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An Ordinance to Vacate Certain Public Ways or Public Places within the City of Evansville, Indiana, Commonly Known as That Portion of Right-of-Way of Chestnut Street Located Between 6<sup>th</sup> Street and Martin Luther King Blvd., in the City of Evansville, Indiana

<b><u>ORDINANCE G-2014-12</u></b>	<b><u>A.S.D.</u></b>	<b><u>ADAMS</u></b>
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An Ordinance Amending Chapter 18.140 of the Evansville Municipal Code (City Sign Ordinance)

<b><u>ORDINANCE G-2014-13</u></b>	<b><u>FINANCE</u></b>	<b><u>ROBINSON</u></b>
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An Ordinance Designating an Economic Development Target Area

<b><u>ORDINANCE G-2014-14</u></b>	<b><u>A.S.D.</u></b>	<b><u>ADAMS</u></b>
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An Ordinance Repealing and Replacing Chapter 8.05.260 through 8.05.290 Health and Sanitation of the Evansville Municipal Code (Lead Poisoning)

<b><u>RESOLUTION C-2014-17</u></b>	<b><u>FINANCE</u></b>	<b><u>O'DANIEL</u></b>
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A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for Property Tax Phase-In for the Construction of Real Property (Traylor Bros., Inc.)

**ORDINANCE R-2014-14 AMENDED**

**APC**

**R-2, CO-2 & C-4 TO C-4 & M-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 200, 202, 208, 210, 212, 214, 216, 218, 220, 222, 224, 300, 302, 306, 308, 312, 316 S. New York Avenue; 211, 213, 215, 217, 219, 301, 305, 307, 309, 311 S. Kerth Avenue; 1100, 1116, 1118, 1120, 1122, 1150, 1152, 1154, 1156 E. Walnut Street

Petitioner: New Odyssey Investments, LLC

Owners: Jbell Properties, LLC; Three Reins, LLC; Deborah Cates

Representative: Mark S. Samila, Esq.

District: Connie Robinson, Ward 4

**President Friend:** Is there a motion to accept the amendment for Ordinance R-2014-14 Amended?

**Councilwoman Mosby:** So moved.

**President Friend:** I had a motion made by Councilwoman Mosby. Seconded by...

**City Clerk Windhorst:** Riley.

**President Friend:** Oh Brinker...I'm sorry. Sorry. Sorry about that. By Councilwoman Brinkerhoff-Riley. Ayes? Nays? (*Unanimous Ayes*) Goes forth.

I need a motion to adopt the Consent Agenda as written?

**Councilman O'Daniel:** So moved.

*Speaking Simultaneously*

**Councilman Adams:** So moved...second.

A motion by Councilman O'Daniel and seconded by Dr. Adams. Ayes? Nays? (*Unanimous Ayes*) It goes forth.

**REGULAR AGENDA**

**THIRD READING OF ZONING ORDINANCES**

**ORDINANCE R-2014-8**

**APC**

**C-2 to C-4**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 6009 Oak Grove Rd. and 1524 Kimber Lane

Petitioner: Head Investments, LLC

**President Friend:** Yes, a...do we need...

**Councilman O'Daniel:** They weren't here last time, were they?

**President Friend:** Well, there was a mix up on that. There really was, yes. Yes, yeah, come on down.

**Councilman Adams:** He's here now.

**Councilman O'Daniel:** Good.

**President Friend:** Please state your name and your address for the record, please.

**Mel Gillenwater:** My name is Mel Gillenwater. My office address is 3300 Claremont, Evansville, Indiana.

**President Friend:** Can you tell us what you have in mind?

**Mel Gillenwater:** We're building a new office and shop on Kimber Lane. We're going to relocate from the westside to the eastside so...

**President Friend:** If I recall that location to the other side you got rid of, was that M-1? Is it M-1, I guess?

**Mel Gillenwater:** M-1. Correct. Everything on the Oakgrove side is M-1.

**President Friend:** On over the other side is M-1. Yeah. Do we have any questions from anybody on Council?

**Councilman McGinn:** I have a couple questions. Hi. This petition was filed by Bruce Hutchinson. Is that right?

**Mel Gillenwater:** Brian Hutchinson.

**Councilman McGinn:** Brian Hutchinson. Have you spoken to him about...I spoke with Brian...

**Mel Gillenwater:** Okay.

**Councilman McGinn:**...and I asked, which I do on all of these C-4 zonings, that you put a restriction in there promising, basically, restricting the property so you cannot and will not put what's called a Use 21 business on there. Are you familiar with what Use 21 is?

**Mel Gillenwater:** No.

**Councilman McGinn:** Adult bookstores, topless bars...



**Mel Gillenwater:** It's going to be my personal office so...

**Councilman McGinn:** Well, but he told me he contacted all the investors, called me back 10 minutes later and said yes, they would do the restrictions, they would put the restrictive covenant in there. I guess my question is why didn't you do it? I mean do you know why?

**Mel Gillenwater:** I don't know. Whatever you need put in it, that's fine. That's not a problem with me.

**Councilman McGinn:** Pardon? Yeah, I was looking for a Use & Development Commitment so that sometime down the road when this is no longer your personal office, you know, Mike and Bob's Topless Bar doesn't go in there and depreciate the values of the neighborhood and Mr. Hutchinson told me that yes, he would do it.

**Mel Gillenwater:** Well I own all the property around it so I definitely don't want that there, you know...

**Councilman McGinn:** Well you don't own the R-1; you don't own the house that's still zoned R-1 now, do you?

**Mel Gillenwater:** No, no.

**Councilman McGinn:** That's owned by some people, in fact, that prevent a topless bar from going in there until it's rezoned.

**Mel Gillenwater:** That's fine. I'm not interested in a topless bar. This is my own personal office. We've been on the westside for 25 years and...

**Councilman McGinn:** I mean I understand that but I mean I'm concerned down the road if you sell this to someone else then there are no restrictions in there. There's nothing to prevent someone...

**Mel Gillenwater:** I don't have a problem you putting a restriction. I mean do I need to put that in or do you need to put it in. I mean what's...I don't know the procedure.

**Councilman McGinn:** Who's here from Area Plan? I mean...

**Councilman Weaver:** Councilman McGinn, he said he's using it as his personal office. Why do we have to drag this out?

**Councilman McGinn:** Well, because they also told me that they were going to put a Use & Development Commitment in there, and you know, everybody gets to burn me one time,

shame on them. If it happens the second time, I mean, I don't want to deal five or ten years down the road when a topless bar goes into the place and the people who own \$500,000 buildings within a 100 feet of it are upset because their property values are diminished. Same reason I ask everyone in that area to give me a Use & Development Commitment and two out of the three, in fact all three said they would and two out of three did it. You know, so that's just my particular...I'm concerned about the future. Pretty simple.

**President Friend:** Well Mel, if I recall, do you...the overall for what you've done here in Evansville, you've invested in many, many properties here in Evansville, have you not?

**Mel Gillenwater:** That is correct.

**President Friend:** I mean quite a few.

**Mel Gillenwater:** Probably about 20 different properties in Vanderburgh County.

**President Friend:** Yeah, I mean you've been...employed a lot of people in Evansville.

**Mel Gillenwater:** I've spent a lot of money and I've also invested in 26 other cities beside Evansville too.

**President Friend:** Exactly.

**Mel Gillenwater:** And I don't...I don't own a strip bar.

**Councilman O'Daniel:** Well I think the other point is you may put your personal office there but if we don't ask for the Use & Development of the property next to you...

**Mel Gillenwater:** I don't mind you put it in there but I don't know what you do. I don't know what your procedure is to doing that.

**Councilman O'Daniel:** I don't know. Can we...?

**Mel Gillenwater:** I don't care, I mean...

**Unidentified Speaker:** *(Off Mic) (Inaudible)*

*Speaking Simultaneously*

**Councilman O'Daniel:** Can we do a Use & Development Commitment or does that...oh, okay.

**Councilman McGinn:** *(Off Mic)* There's a representative from the Area Plan Commission that may be...

**Councilman O'Daniel:** Oh, okay.

**Councilman McGinn:** A lady who may be able to answer our questions.

**Janet Greenwell of Area Plan:** I can answer your question. If you add a Use & Development Commitment, it will have to come back to the next meeting because you need to have it in writing when you vote. What has been done in the past, we don't encourage it because like you said, burn me once, shame on you but burn me twice, shame on me. But what has been done in the past when there is a last minute thing is that they would do a private covenant with the City Council; that would not require a continuance. It could be recorded.

**Councilman Lindsey:** But that would just lock him in to this agreement, right? And then if he sells it then that means that agreement is...

**Janet Greenwell of Area Plan:** Not necessarily. It could be written to where it runs with the land.

**Councilman Lindsey:** Oh, okay.

**Councilman McGinn:** But I mean I've got to say this is not last minute. It's been a month since I spoke with the gentleman.

**Janet Greenwell of Area Plan:** I understand.

**Councilman McGinn:** And I was told that yes, they'll put that in there. "It's no problem with me and all of my partners", from Brian.

I don't know the legal ramifications of private covenant. Who has to enforce the private covenant, us?

**Unidentified Speaker:** *(Off Mic) (Inaudible)*

**Councilman McGinn:** Yeah.

**Councilman Weaver:** Why do we want to micromanage what a business does?

**Councilman McGinn:** I'm not...I've explained my answer. You can vote however, you want. I'm voting no unless they put the covenant in.

**Councilman Weaver:** I'm sorry we have to put you on trial Mr. Gillenwater but...

**Councilwoman Brinkerhoff-Riley:** When's our next meeting? I mean is it just two weeks away?

**Council Attorney Danks:** Well actually, that's what I was thinking but I'm not certain. Councilman Conor is giving me a concerned look.

Councilman McGinn, can we do that? Can we move to amend the ordinance to require that?

**Councilman McGinn:** I'm fine with it. I mean I just...

**Council Attorney Danks:** That's what I would suggest and of course, it'll require a 2/3 vote now because we are at Third Reading. Yeah, just move to amend the ordinance requiring...you know, I don't know. This is the first time I've been asked a question about the covenant too. Is this something that's going to be granted to the City Council, the covenant? And then the City...

**President Friend:** I think we done this before, I think I recall.

**Councilman Adams:** *(Off Mic)* In order to *(Inaudible)*, I'll make a motion to amend this *(Inaudible)*. Is that all right with you sir? *(Inaudible)* a private covenant?

**Mel Gillenwater:** I don't care. Whatever you need to do. I mean I'm building an office there and that's going to be my home from now on so...

**Councilman O'Daniel:** Let me ask you this. Creating a private covenant probably means something that you and your lawyers or your partners have to create and then file with the Records' Office.

**Mel Gillenwater:** Okay.

**Councilman O'Daniel:** Would you rather do that or go back through APC and come back and see us with a Use & Development Commitment?

**Mel Gillenwater:** Well we need to proceed with construction on the building so whatever... whatever I need to do to continue construction is what I need to do.

**Councilman Lindsey:** We can pass this, can't we, with the restriction of the covenant that has to be passed and recorded. Otherwise, it's null and void as far as...

**Council Attorney Danks:** You know, I'm comfortable with that. Sir, if you could have your attorneys prepare that and then send it to my office for review and approval before it's recorded, all right? But I think I'm comfortable with that. It'll run with the land.

**Councilman Adams:** *(Off Mic)* So the motion would be to amend it so that the private covenant is required.

**Council Attorney Danks:** Yes.

**Councilman O'Daniel:** Gosh, *(Inaudible)*.

**Councilman McGinn:** Yeah, I mean if there's a covenant that runs with the land that whoever this gentleman sells it to can't put a Use 21 in there. I mean, I'm fine with that but how do we form that motion? Do we make this subject to that or is it in limbo until such time...I mean I'm not sure what the proper wording should be but yeah, as long as that covenant is there and Use 21 uses are restricted from that property, I'm happy. And the other way would take...when is the next Area...

**Janet Greenwell of Area Plan:** It's been my experience, and I'm not an attorney, but state law says you may not do conditional zoning so that if you vote you are taking this man at his word that he will do something but you can't condition his approval on it.

**Councilman McGinn:** So the Site...the time limit...when...so do to a Use & Restriction, a covenant take...add that to that and get it approved at the next Area Plan and then here to the next...

**Janet Greenwell of Area Plan:** It would not have to go back to Area Plan. It could come forward to your next meeting, which is July 14th, if you were to file it really soon.

**Mel Gillenwater:** And you have a form that he could use?

**Janet Greenwell of Area Plan:** Yes.

**Councilman McGinn:** Can you wait til July 14<sup>th</sup> sir to start construction on this?

**Mel Gillenwater:** No, I've already...I'm under construction now. We...our office is under construction. I've got a limited time when I've got to be out of my office. I mean I'll sign whatever it takes to say it's not going to be whatever kind of strip club, bar, nightclub, whatever you need. I don't have a problem or an issue with that. Managing partners in it is my daughter and my son-in-law and my wife are the other partners in it so...

***Speaking Simultaneously***

**Councilman O'Daniel:** Yeah, who are the partners in your organization that would have to sign off on this?

***Speaking Simultaneously***

**Mel Gillenwater:** My wife...my wife, my daughter and my son-in-law. That's it.

**Councilman O'Daniel:** Four signatures.

**Councilman McGinn:** Where's Brian come in this?

**Mel Gillenwater:** He's my son-in-law.

**Councilman McGinn:** Oh, okay.

**Councilwoman Mosby:** Council, we've got a very reputable business man here that has done several developments and great things in Evansville.

**Councilman McGinn:** I'm not worried about him. I'm worried about who he sells it to sometime in the future.

**Councilman Adams:** *(Off Mic) (Inaudible)* is not the issue. I have no doubt. I agree with you.

**Councilwoman Mosby:** I know but he's saying he can't wait three weeks so...

***Speaking Simultaneously***

**Councilman Adams:** *(Off Mic) (Inaudible)* motion on the floor.

**Councilwoman Mosby:** Okay, I'll second that motion.

**President Friend:** Okay, we had a motion made by Dr. Adams and seconded by Councilwoman Mosby to amend Ordinance R-2014-8 to include I guess a covenant.

**Council Attorney Danks:** *(Off Mic)* If I understand correctly, we can't make it conditional so you're either going *(Inaudible)* his request or not and this gentleman's representing that he will agree to the covenant, which you'll just have to take his word for it. But I don't think the Council or the City is going to have any kind of enforcement ability if he chooses not to.

**Councilman Adams:** *(Off Mic) (Inaudible)* we'll be able to come back to the minutes of tonight and know that we attempted to do that.

**Council Attorney Danks:** Yes.

**Mel Gillenwater:** You know I own property all over town; I've got about 20 lots to be developed in town so, you know, whatever you guys need on something like that it's not an issue with me. It'll happen so.

**Councilman Adams:** *(Off Mic)* Mel, would it be possible for your lawyer tomorrow to contact our lawyer?

**Mel Gillenwater:** Sure.

**Councilman Adams:** *(Off Mic) (Inaudible)*

**Mel Gillenwater:** Okay, not a problem. However they need it written up. Whatever they need on this.

**Councilman McGinn:** Okay, what we asking and asking you to promise to do in order to get this zoning is that you'll do a covenant...

*Speaking Simultaneously*

**Mel Gillenwater:** It'll be done. I promise you. It will be done.

**Councilman McGinn:** It has to be filed; becomes part of the permanent record...

*Speaking Simultaneously*

**Mel Gillenwater:** That's fine. That's no problem.

**Councilman McGinn:**...shows up in the abstract.

**Mel Gillenwater:** You tell me how you how you want to word it and that's the way it'll be. All I want to do is build an office and shop there.

**Councilman McGinn:** Okay, alright.

**President Friend:** So...the amendment I guess...I need to have a...I guess.

**Councilwoman Mosby:** *(Off Mic)* There is no amendment.

*Speaking Simultaneously*

**Councilman O'Daniel:** *(Off Mic)* No amendment, just a straight up *(Inaudible)*.

**President Friend:** No amendment?

**Councilman O'Daniel:** *(Off Mic)* We can't.

**President Friend:** Okay, before we go any further I need to know anybody in the audience and if we got anybody out there has something to say about this.

**Unidentified Speaker:** *(Off Mic)* I think the man's honest and is doing great things for Evansville and *(Inaudible)*.

**President Friend:** Hey, I...I'm all for doing that. Okay, let's do a roll call on...I need to hear a motion...we...to adopt it. We have...we've already had that. I think we already had...we've already had this I believe. I thought. Missy did and I think...okay, we need a roll call vote.

***Comment made by Councilman O'Daniel while casting his vote:***

I take you at your word. Aye.

**ROLL CALL**

**Aye:** McGinn, Mosby, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Friend

**Absent:** Robinson

**President Friend:** With (8) Ayes and zero (0) Nays, this Ordinance R-2014-8 is hereby declared adopted.

**Mel Gillenwater:** Okay, thank you very much.

**President Friend:** Thank you for coming out.

**Councilman Adams:** *(Off Mic) (Inaudible)*...that lovely woman in the far corner and get the *(Inaudible)*.

**Mel Gillenwater:** Okay, and have the attorney get with her for the ordinance or whatever needs to be written up...

**Councilman Adams:** *(Off Mic) (Inaudible)*...she'll give you the information.

**Mel Gillenwater:** Okay, perfect. Thank you. Appreciate your help.

**President Friend:** Thank you for coming out.

**Councilman Adams:** *(Off Mic) (Inaudible)*

**Mel Gillenwater:** To call Scott? Okay, alright.

**President Friend:** Okay.

**CONSENT AGENDA**

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE G-2014-9**

**A.S.D.**

**MOSBY**

An Ordinance Amending Chapter 10.50 Skateboards and Roller Skates of the Evansville Municipal Code

**ORDINANCE G-2014-10**

**A.S.D.**

**WEAVER**

An Ordinance Amending Chapter 10.05 General Provisions of the Evansville Municipal Code (Bicycle Licensing Fee)



**ORDINANCE G-2014-13****FINANCE****ROBINSON**

An Ordinance Designating an Economic Development Target Area

**ORDINANCE F-2014-7 AMENDED****FINANCE****O'DANIEL**

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriation of Funds for Various City Funds

**ORDINANCE F-2014-8****FINANCE****O'DANIEL**

An Ordinance of the Common Council of the City of Evansville Authorizing Repeal of Appropriations of Funds within a City Department (DMD)

**COMMITTEE REPORTS:****A.S.D. COMMITTEE:****CHAIRMAN ADAMS**

**Chairman Adams:** Mister President, your A.S.D. Committee met this evening with great alacrity to pass the *Ordinances G-2014-9* and *G-2014-10* and comes forward with a do-pass recommendation.

**President Friend:** Thank you for your service.

**FINANCE COMMITTEE:****CHAIRMAN O'DANIEL**

**Chairman O'Daniel:** Yes, Mister President, your Finance Committee met this evening on *F-2014-7 as AMENDED* and *F-2014-8* and both come forward with do-pass recommendations.

**President Friend:** And again, thank you for your service. I need a motion to pass the Committee Reports and move these Ordinances to Third Reading.

**Councilwoman Mosby:** So moved.

**President Friend:** Had a motion made by Councilwoman Mosby and seconded by...

**Councilman Lindsey:** Second.

**President Friend:**...Councilman Lindsey. Ayes? Goes forth. Thank you.

**REGULAR AGENDA****THIRD READING OF ORDINANCES AND RESOLUTIONS****ORDINANCE G-2014-9****A.S.D.****MOSBY**

An Ordinance Amending Chapter 10.50 Skateboards and Roller Skates of the Evansville Municipal Code

**President Friend:** Okay, I need a motion to adopt Ordinance G-2014-9.

**Councilwoman Brinkerhoff-Riley:** So moved.

**Councilman Adams:** Second.

I had a motion made by Councilwoman Brinkerhoff-Riley and seconded by Dr. Adams. Please call the roll.

**ROLL CALL**

**Aye:** McGinn, Mosby, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Friend

**Absent:** Robinson

**President Friend:** With eight (8) Ayes and zero (0) Nays, the Ordinance G-2014-9 is hereby declared adopted.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE G-2014-10**

**A.S.D.**

**WEAVER**

An Ordinance Amending Chapter 10.05 General Provisions of the Evansville Municipal Code (Bicycle Licensing Fee)

**President Friend:** Yes, I need a motion to adopt Ordinance G-2014-10.

**Councilman Lindsey:** So moved.

**Councilwoman Brinkerhoff-Riley:** Second.

**President Friend:** Had a motion made by Councilman Lindsey and seconded by Councilwoman Brinkerhoff-Riley. Madam, please call the roll.

**ROLL CALL**

**Aye:** McGinn, Mosby, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Friend

**Absent:** Robinson

**President Friend:** Eight (8) Ayes, zero (0) Nays, Ordinance G-2014-10 is hereby declared adopted.

**Unidentified Speaker:** *(Off Mic)* Mr. President, are you not forgetting us out here during the Third Reading if any of the public has comment on it?

**President Friend:** Well maybe I have got a little bit ahead of myself. I probably have, haven't I? Well, let's back up a minute. Do we have any comments about this?

**Unidentified Speaker:** *(Off Mic)* You've already voted on two of 'em.

**President Friend:** Well I know that. We're trying to speed this meeting on. You know that. Let me back up. Does anybody have any comments about any of these ordinances we just read out?

**Councilman Adams:** Take 'em one at a time; Skateboards and Rollerblades.

**President Friend:** Skateboards...it was one of 'em and a...

**Councilman Adams:** And rollerblades.

**Councilman Lindsey:** Bicycles.

**Council Attorney Danks:** Bicycle license.

**President Friend:** Bicycle license and skateboards.

Yes, come on up here. Yes sir.

**Mike Spillman:** My name is Mike Spillman.

**President Friend:** Can you state your name and address for us?

**Mike Spillman:** Mike Spillman. It's 4325 Kratzville Road.

**President Friend:** Yes, Mike.

**Mike Spillman:** I just have a couple questions. I roller skate, bicycle, just bought a long board and I do it for exercise, for fun, and to get from Point A to Point B. Now I was wondering...a couple things I...when you're talking about the Four Freedoms Monument, is that that whole plaza that goes all the way to the Greenway or is it just inside the circle where the states are?

**President Friend:** It's my understanding I think it's when...go...

**Councilwoman Mosby:** The actual Four Freedoms Monument has been being damaged by the skateboarding.

**Mike Spillman:** Right.

**Councilwoman Mosby:** And we're just trying to alleviate that. There's been a lot of damage there.

**Mike Spillman:** What I was wondering does that just encompass that area inside where the state...states are.

**Councilwoman Brinkerhoff-Riley:** The...it's actually defined cause that was my concern cause I like to, not that I'm any good at it, but I understand inline skating and you don't necessarily get the jumping up on the curbs and the things that happen with skateboards so I was concerned so the Freedom Plaza specifically defined as the inner-section of Martin Luther King, Jr. Blvd. and Main Street. So and like "Ford Center" specifically refers to the address One S.E. Martin Luther King. "Civic Center" does refer to the complex. "Central Library" refers to 200 S.E. Martin Luther King, and then the "Old National Events Plaza" refers to the auditorium located at 17 S. Locust. So to me I read you're fine going through those, you know, that you're still fine rolling skating downtown but they don't want you in those specific areas where you probably do have a con...you know, a lot more pedestrians and...

**Mike Spillman:** Right and my question cause I noticed in my reading of it, bicycles were included, from what I read online. Online could be wrong. I don't know.

**Councilman O'Daniel:** *(Off Mic)* It's just rollerblades.

**Mike Spillman:** And rollerblades, rollerskates...

**President Friend:** *(Inaudible)* yeah.

**Mike Spillman:** Cause roller skates...I note...was the Walkway involved in it? The entire Walkway? Main Street.

**Councilwoman Brinkerhoff-Riley:** *(Off Mic)* I don't read it as all of Main Street. It's defined....and then private property.

**Mike Spillman:** Cause here...my concern was, especially the Four Freedoms Monument, I skate...

**Councilwoman Brinkerhoff-Riley:** *(Off Mic) (Inaudible)*

**Mike Spillman:** Right. I skate the Greenway quite often...

**Councilwoman Brinkerhoff-Riley:** *(Off Mic) (Inaudible)*

**Mike Spillman:** Well, okay.

**Councilman O'Daniel:** *(Off Mic)* But we don't have a Main Street Walkway anymore.

**Mike Spillman:** Yeah, that's what...that's what I was wondering about. Does that just mean we can't skate on the sidewalk there?

**Council Attorney Danks:** *(Off Mic)* That was my interpretation...

**Councilman O'Daniel:** *(Off Mic)* Thanks for bringing it to our attention. *(Inaudible)*...

**Mike Spillman:** Yeah, because...

**President Friend:** Yeah.

**Mike Spillman:** Cause here's two things: I skate the Greenway. A lot of times it is very, very crowded around the Four Freedoms Monument and you can't even get through there because people are standing on...so I go outside the Greenway, into that plaza where the Four Freedoms Monument is and come back on the Greenway to get round the crowds. Will I be fined if I do that? If I skate down the supposing old Walkway, cause I will skate from my house on Kratzville all the way downtown for transportation and I go to the businesses on the Walkway. Will I be fined if I'm skating down Main Street to get to the business?

**Councilman McGinn:** I think this ordinance contemplates that you stay on the Greenway in those area cause Greenway's not mentioned and it's for bicycles, roller skates, *(Inaudible)*...

**Mike Spillman:** And the Greenway doesn't go anywhere.

**Councilman McGinn:** But you're talking about a 50 foot section of you get off of the Greenway and get onto the plaza for that 50 feet.

**Mike Spillman:** Right, but I'm also talking about Main Street.

**Councilwoman Brinkerhoff-Riley:** I don't think Main Street's included. If you're riding in the street, it just clearly says Main Street Walkway but it was written when obviously, Main Street was a walkway and so I don't think anyone can keep you out of the street.

**Mike Spillman:** Okay.

**Councilman McGinn:** And it says "*plaza premises*". "*Plaza premises*", I think, is a specific defined term, which is, I mean, the plaza is distinct from the Greenway.

**Mike Spillman:** Right.

**Councilman McGinn:** I mean it just is. It's different material for one.

**Mike Spillman:** Okay.

**Councilman McGinn:** We just don't want those areas damaged. It's mainly...it's mainly the jumpers. You know that.

**Mike Spillman:** Yeah, I know that. It's just the fact that these bans always encompass everyone when you've got a certain...

**Councilman McGinn:** But this doesn't...

**Mike Spillman:**...section of people that do the damage...

**Councilman McGinn:** Yeah.

**Mike Spillman:**...and then everyone's involved in it and then, you know...

**Councilman McGinn:** But this doesn't exclude you from public streets or from the Greenway. They are not mentioned. I think that's why "*plaza's premises*" is used three different occasions. It's a term of art.

**Mike Spillman:** Okay.

**Councilman McGinn:** And it's just...it's very obvious that it's different than the Greenway.

**Mike Spillman:** And then I was also, um...the a...as far as skating in parades. Like a decent one, our group, DCRD. Are we going to need a separate insurance policy from what we already have cover our group?

**Councilman McGinn:** I don't know. That safe...doesn't the Safety Board, are they the ones that give the exemptions? I mean the parades.

**Councilman Lindsey:** *(Off Mic)* You have to apply with the Safety Board.

**Councilman McGinn:** Yeah, I think you still have to apply with the Safety Board for those parade permits and they'll set your insurance limits.

**Mike Spillman:** And they can set it. Okay. So I need to just talk...

**Councilman Lindsey:** *(Off Mic) (Inaudible)*

**Mike Spillman:** Okay. That's all the questions I have.

**President Friend:** Thank you. Do *(Inaudible)* anybody else have any comments about that particular ordinance?

And the bicycle licensing fees, nothing? Oh, I'm sorry. Come on up. Pardon me.

**Elizabeth Erdle:** Hi.

**President Friend:** Can you state your name?

**Elizabeth Erdle:** Elizabeth Erdle, 1911 S. Governor Street.

**President Friend:** Thanks Liz.

**Elizabeth Erdle:** I just had a question about the roller skating ordinance. Can that be maybe amended to exclude like quad skates and since we do not jump on those or cause damage to the monuments?

**President Friend:** You mean the inline skates?

**Elizabeth Erdle:** Well, it would...regular old roller skates or inline skates.

**President Friend:** I don't how you'd ever slide down *(Inaudible)*.

**Elizabeth Erdle:** Yeah, I mean you don't slide down banisters or jump on monuments or...you pretty much stay on the ground with those where as a skate boarder, they, you know, have a tendency to jump on railings and jump over stuff and on monuments and...so I was just wondering if the...it could be amended to exclude roller skates and inline skates.

**President Friend:** Well, that's a good question.

**Councilwoman Brinkerhoff-Riley:** I mean I *(Inaudible)*, I mean I...from a damage standpoint, I think you're right. I think part of the idea behind these four designate...I think it's just four. One, two, three, four, five designated areas really is also has to do with pedestrians flow so...and I honestly couldn't tell you how much pedestrian flow people are talking about when they initially put it together. But I think that is...that is an extra concern. I think that's why they probably included the Walkway although it doesn't exist now.

**Elizabeth Erdle:** Yeah, cause I mean I skate down on the riverfront for exercise as well and you know I...it's kind of hard to, you know, know where supposed to be and not supposed to be if it's specific areas.

**Councilman O'Daniel:** Well I think the general concern here is don't jump on monuments, don't...you know, I mean things that...they're pretty de...you know. Common sense tells you what they are, right? We know what the Four Freedoms Monument is. The esplanade, that's part of the...it's part of the Greenway and, you know, all that area is for...just for that, for skating and exercise and those sort of things but I think the City put it in years ago for, you know, railings so people don't jump on railings and slide 'em down or come out here near the fountain and get near it and damage anything like that so, you know, we've got a lot of monuments; we want to take care of 'em. You know, it's about creating a little bit of mutual respect on the City and the people who are using the Greenway and everything else so I think common sense. I think we're trying to read too much into this, alright.

**Elizabeth Erdle:** I just...you know, I don't want to be worried that I may be skating down on the riverfront and get a ticket for being somewhere I'm not supposed to be or anybody else.

**Councilwoman Mosby:** I think as long as you're not damaging property. I mean, we're just having a lot of damage to property. The last one was almost \$5,000...

**Elizabeth Erdle:** Well I understand.

**Councilwoman Mosby:**...so we're trying to save the taxpayers some money so that we're not having damage done to it, so that they can be ticketed if they're doing that.

**Elizabeth Erdle:** Is there any just way to exclude maybe, you know, like certain modes of transportation?

**Councilman O'Daniel:** Eh, you know how that works. If you put one in then somebody's going to get cute and use the other one if they want to damage something, right?

**Elizabeth Erdle:** Okay.

**Councilman O'Daniel:** So I think it was written like this years ago...

**Councilwoman Mosby:** It was...yeah, and this is an amendment to a prior...

**Councilman O'Daniel:** Right.

**Councilwoman Mosby:**...ordinance that has been intact for quite some time.

*Speaking Simultaneously*

**Councilman O'Daniel:** This is just adding on.

**Councilwoman Mosby:** We were just...



**Councilman O'Daniel:** Yeah, this is adding things that weren't included before such as the Ford Center and the like so we're just really adding to what was already there.

**Elizabeth Erdle:** And then with a...we have events coming up at the Ford Center with derby. Will that affect that event in September? There may...

**Councilman O'Daniel:** What is the event in September?

**Elizabeth Erdle:** We have the Roller Derby Divisional Championships here and I was just wondering if that would affect it.

**Councilman O'Daniel:** Certainly not inside the facility.

**Elizabeth Erdle:** How about outside, around the facility?

**Councilman O'Daniel:** I...that'll be something that maybe the Safety Board needs to address, honestly.

**Councilwoman Brinkerhoff-Riley:** Yeah, I mean it has this same ability to grant an exemption that it did before. Exhibition, part of a festival or a public event, so (*Inaudible*), you know, so it does have that ability. It just requires that you, and I think, have a necessary training and experience and then insurance.

**Elizabeth Erdle:** Okay, thank you.

**President Friend:** Do we have any other folks from the audience? Yes. Can you state your name and address?

**Maureen Mattingly:** It's Maureen Mattingly. It seems to me that damage to public property is already against the law, right? So I don't see why you couldn't just cite those people that are doing the damage when you see it happening and let all the nice people, who are just trying to have fun, have their fun.

That's really all I had to say. Some laws are already on the books and you could just enforce them rather than making these new ones that get everybody all worked up thinking they're not allowed to come downtown anymore and have fun. Is that the message that you want to send, that you don't want people coming downtown to recreate anymore?

That's all I have to say.

**Councilman O'Daniel:** Yeah, I appreciate that. I think that the point that I think maybe this is trying to get at is simply to avoid...I don't think people intend to necessarily damage things. Sometimes it's a natural consequence of good fun anyway. I'm sure that people damage...you know, maybe they did try to damage it but if we can avoid the possibility of it then we ought to do so, at least where we can. City property so...

**President Friend:** Any other questions from audience? Okay, with that then I guess we shall move to Third Reading, Regular Agenda, Ordinance G-2014-10. It's an ordinance...you want to read it? I'm sorry, I'm doing your job.

**City Clerk Windhorst:** We've actually already voted on this. It's just that they want public comment.

**President Friend:** Oh yeah. Okay, great. Let's move to the Regular Agenda, Third Reading of Ordinances and Resolutions.

#### **REGULAR AGENDA**

#### **THIRD READING OF ORDINANCES AND RESOLUTIONS**

##### **ORDINANCE G-2014-13**

##### **FINANCE**

##### **ROBINSON**

An Ordinance Designating an Economic Development Target Area

**President Friend:** Okay, here's where we've gone into discussions. I think we talked about this on the...with members of the Council. Do any of the people have any comments about this? With that I'll open it to the audience people who may be disagreeing with this ordinance or maybe support this ordinance. Do I have anybody interested in coming forward and talking about this?

**Councilwoman Brinkerhoff-Riley:** I have a question.

**President Friend:** Yes.

**Councilwoman Brinkerhoff-Riley:** Well, go ahead and let public comment.

**President Friend:** Yes.

**Councilwoman Brinkerhoff-Riley:** I have a question.

**President Friend:** Yes, come on down.

**Unidentified Speaker:** *(Off Mic)* Is this about the Walnut?

**President Friend:** Yeah, it's about the Walnut deal, yes. Come on down. Can you state your name and address for the...

**Mable Dunbar:** My name is Mable Dunbar. I live at 216 S. Kerth Avenue.

We have a real thing going on over here. This is some of my neighbors back here. We don't have a person over us; a neighborhood association who looks out. We had no one step up in our neighborhood to be that so we were all out in our neighborhood the other day; Freddy Cook came by. I heard...he told us that would get bashed a lot, whatever, whatever, so we... we're re going to stand up for ourselves, okay.

We've been renting from Greg Claspell or Jbell Properties. No, it has not been good but we are low-income families, we have no money, some of 'em are on disability. I work part time. I just tried to start a little small business. This is really getting off the ground; I have even got it fixed up yet.

So I ran into a job situation in my aspects with my landlord, okay. He said he's willing to work with us. They have done nothing but lie to us. They would not fix nothing, you know, so my job went down. I'm a telemarketer caller, okay, so my job went down so instead of me just doing nothing, I had to let go one job down to \$15.00...ah, 15 hours a week, cause couldn't make no sales, cause you know how that is. Went to another job. He said he's willing to work with me. Well my taxes didn't come back right, okay, so I was like \$1,100 behind. He told me to give him half of it; he will work with me on the other half, right.

Well, all of a sudden they telling us that they tearing down, right. "Oh, we giving ya'll 90 days to move. We giving ya'll 90...we'll let you know when your 90 days is in so you can..." *(Inaudible)* we get letters the other day. I didn't get a letter; I got to go to court tomorrow. She has to go to court tomorrow. Another one of our people got...didn't get one because we're behind. These people here pay they rent every month and they actually gave us a letter, as a matter of fact, they sent it sent us this certified letter. Do you have it? Sent out these certified letters to everybody in the neighborhood; told us we'd have 90 days to move. They're not even giving 'em 30. They're not even giving them 30 days because they all pay their rent in full.

I actually told him myself. I work part time. How do you expect me to pay you and move too? And I don't know who you're, you know, dealing with or who's selling, who's buying. They wouldn't even let us know who.

**President Friend:** Can I see your letter?

**Mable Dunbar:** Yeah. They wouldn't even let us know *(Off Mic)* who's buying it, wouldn't let us talk to no one or nothing. Well we heard today they all been fired. I mean, you know, it's

really rough for us. We're not asking for much. All we asking for is...*(On Mic)*, yes, you can make it a car lot if you need it to be a car lot. But look at all these families. She has children. She has children. Other people on the block was scared to come down cause they're so disgusted they don't know what to do; crying their eyes out. Everybody cries to me on the block and it makes me mad because I love all those kids on the block and I love everyone.

**Unidentified Speaker:** *(Off Mic) (Inaudible)* about this. I mean we're giving money. He's evicting them too.

**Mable Dunbar:** Yeah.

**Unidentified Speaker:** *(Off Mic) (Inaudible)*

**President Friend:** Do you have a lease? Or your...

**Mable Dunbar:** He would not rewrite us leases.

**Unidentified Speaker:** *(Off Mic)* No, he wouldn't.

**Mable Dunbar:** When our lease went up he knew this was going down. They've been telling me over here. This is his maintenance man right her, Mr. Lee. Mr. Lee's been working for him. They dogged him, they did him so bad. Jbell Properties is a hot mess, okay. So he hasn't given me no receipts in two months. Now if he tells me to give my money to Lee, cause Lee's still helps him every now and then so he could make it. He just got his toes cut off; he's a diabetic, okay, he's struggling.

And they're just...we just feel like that we are all being mistreated and we don't appreciate it. We don't mind D-Patrick buying or whose ever buying or whatever. Don't only think about this. Think about us. At least give us a little something help us get locate...relocated. Something. Or give us the amount of time, you know, you can't just come boot us out. We have nowhere to go.

***Speaking Simultaneously***

**Unidentified Speaker:** *(Off Mic) (Inaudible)* gave him last week. I gave him \$400.00 last week *(Inaudible)* help me get out, you know but *(Inaudible)* now he's suing me.

**Mable Dunbar:** I don't see that it's fair and this is what he's talking about.

**Unidentified Speaker:** *(Off Mic)* I got to go to court tomorrow at 9:00, you know, after I gave him \$400.00.

**Mable Dunbar:** And he's not giving up no receipts and he did not rewrite no lease.

***Speaking Simultaneously***

**Unidentified Speaker:** *(Off Mic) (Inaudible)* tomorrow at 9:00.

**Mable Dunbar:** Nobody has a lease and all of a sudden we get these letter and then there's a guys' name on there with...what's his name?

**Unidentified Speaker:** *(Off Mic)* Keith.

**Mable Dunbar:** Keith.

**Unidentified Speaker:** *(Off Mic)* Kent.

**Mable Dunbar:** Kent. I called him. Your letter is on...your name's on the letter so you must know something. Can you give me some answers? "Well I don't know". Come on. Your name is on the letter. You know something. Help us out. We've been crying out. So he's giving everybody till August the 2<sup>nd</sup> to go. I go to court tomorrow. You didn't give us the 90 days like you told us all. You didn't give us 90 days to find somewhere to stay. If you had gave us 90 days to find somewhere to stay, maybe we could have put back some money and got out on our own.

**Unidentified Speaker:** *(Off Mic)* Or at least he would have told us sooner.

*Speaking Simultaneously*

**Mable Dunbar:** Or found something else on our own, *(Inaudible)*. You know what I'm saying.

**Unidentified Speaker:** *(Off Mic) (Inaudible)* months ago.

**Unidentified Speaker II:** School is getting ready to start; got to buy school uniforms.

**Councilman McGinn:** *(Off Mic)* May I ask a question before you get *(Inaudible)*. *(Mic On)* I'm kind of getting lost here but do you guys...Jbell has...he's filed to evict you guys already...I mean...

**Unidentified Speaker:** No, it's just the... *(Inaudible)*.

**Mable Dunbar:** They're calling it ejectment. We don't know what an ejectment is. Now I looked up...I looked up ejectment on the internet and it said someone who unlawfully staying somewhere, that aint got no business staying there. Well we had a lease with this guy. He wouldn't rewrite us a lease.

**Councilman McGinn:** Well but I mean have you...is there a dispute now betw...he's saying you owe him rent. Is that what it is?

**Unidentified Speaker:** *(Off Mic)* Not me, I don't.

**Mable Dunbar:** Not her.

**Unidentified Speaker:** *(Off Mic) (Inaudible)*

**Mable Dunbar:** I do and it was because of my job situation.

**Councilman McGinn:** Yeah.

**Mable Dunbar:** We had a verbal agreement. I have several witnesses as well. People that I had to borrow money from just to get him to \$575.00 because I was knocked down from \$360-something a week at work down to \$95.00 due to a garnishment and then my trying to do the insurance, doing the right thing to get around to Obamacare. So...

**Councilman O'Daniel:** Do...you realize we can't really tell Jbell who to rent to or what terms of lease are or anything else and it sounds to me like a lot of your questions are going to be dictated to the judge who hears this as far as whether it's a valid eviction or not, or ejection or not.

**Mable Dunbar:** Well we aint worried about the eviction, sir, do you not understand what we're worried about is they're coming in and tearing down our neighborhood; they're selling our neighborhood. *(Inaudible)*, nobody is worried about accommodating us in no shape, or form, or fashion. They aint caring about what happens to us and we don't know who to go talk to cause we don't have a head neighborhood association person to direct us in no shape, form, or fashion.

**Councilman O'Daniel:** Right.

**Mable Dunbar:** We was told to call the Department of Development...

**Unidentified Speaker:** *(Off Mic)* Metro.

**Mable Dunbar:** The what?

**Unidentified Speaker:** *(Off Mic)* Metro.

**Mable Dunbar:** Metro Department Development; called them this morning. They blew us all off like they don't know where to help out and you know, like I was told, if there's any, any federal government money going in to help demolition it, you can't help a family get situated but you can give some federal money to get a place demolished so you can set some cars on a lot to be sold for the public to buy. Come on, we crying out. We need help but we don't know who to go to.

**President Friend:** Did you say you talked with DMD, Department of Metropolitan Development?

**Mable Dunbar:** I called 'em this morning. They said there's nothing they can do to...they referred us to Lee Wade. By the time Lee Wade do something it's too late.

**Councilman McGinn:** Yeah, that was the...my understanding...I spoke...there's no federal money involved in this so those HUD rules and regulations do not apply. Is that right?

**DMD Interim Director Coures:** *(Off Mic) (Inaudible)* it location doesn't apply if HUD, money from HUD isn't being used to purchase the property.

**Councilman McGinn:** Yeah.

**DMD Interim Director Coures:** *(Off Mic)* That's the only time URA responds so that's why our office referred them to *(Inaudible)*.

**President Friend:** Who'd you, Kelley, who'd you...why don't you come up. I can...yeah.

**Mable Dunbar:** I mean all we're looking for is some answers.

**President Friend:** Yeah.

**Mable Dunbar:** Some help. We don't know who to go to, what to do.

**DMD Interim Director Coures:** We referred the callers to Diane Clements Boyd because no HUD money was being used to purchase the property so Uniform Relocation Act didn't apply. What we considered it to be a question of the Fair Housing Act and that would fall under Diane Clements Boyd and the Human Relations Commission. But at the Economic Development Commission meeting today, their attorney said that they were empowered to provide some guidance to renters there so you might ask his ad...the attorney the project to come up because he has some recommendations for the lessees in that area.

**President Friend:** Is that Mr. Samila?

**Mark Samila:** Yes, it is. We became aware through some media stories, television stories, that some of the residents are obviously disgruntled and frankly, I can't blame them because I'm sure a lot of these folks have been living in these houses for quite some time and I hope that they understand that we are not the landlords. We don't own the properties at this point so we don't control the leases or a...or your leases or your tenancy at this point but based upon the...some of the media coverage, what we've had done is we've had F.C. Tucker send to the

residents a list of potential landlords or places that they could potentially contact in order to try to find alternative housing and I don't know if any of you all have received...

**Mable Dunbar:** *(Off Mic)* I haven't received *(Inaudible)*.

**Mark Samila:**...those letter as of yet. Okay, if you...I'll leave a piece of paper. If you will write down your names and your addresses, I'll be glad to have...make sure that that letter is mailed to you so that hopefully you'll have some other potential landlords that can contact about potentially moving to.

**Mable Dunbar:** *(Off Mic)* Can I ask a question?

**Mark Samila:** Yes ma'am.

**Mable Dunbar:** *(Off Mic)* Since you guys are buying this property from *(Inaudible)*, or Berry Plastics or Bell Properties or whoever, whoever, are these people still responsible to be giving Greg and them rent because how are they going to pay them rent and move to when we don't even no money in the beginning.

**Mark Samila:** That...that's something that, again, that we don't control and whoever your landlord is, that's who you would have to communicate with.

**Mable Dunbar:** *(Off Mic)* We'll take the information. *(Inaudible)* for me.

**DMD Interim Director Coures:** *(Off Mic)* Mr. President?

**President Friend:** Yes.

**DMD Interim Director Coures:** *(Off Mic)* If I could make one more suggestion to tenants that are having a financial issue, *(On Mic)* you might call Luzada Hayes at Aurora because Aurora has some assistance in cases where people are likely to become homeless. So you might call Aurora and ask for Luzada.

**Mable Dunbar:** I've called Aurora. You got to be homeless and going to a shelter before Aurora help you so that's not doing us no good, so...

**Mark Samila:** *(Inaudible)* move this off to the side here and we'll...

**Councilman Lindsey:** Hey I got a question now. What's going on here? Is the people that own this property, they're still trying to collect rent from you right?

**Mable Dunbar:** *(Off Mic)* Yeah.



**Councilman Lindsey:** Even though they know you're going to have to move and if you're not paying, and then if you're not paying then they're going...they'll take you to court. Is that right?

**Mable Dunbar:** *(Off Mic) (Inaudible)* real bad. *(Inaudible)* real dirty and it ain't appreciated

**Councilman Lindsey:** I think there's a word for that but I think it starts with a G and ends with D but you guys figure out the letters in between but I think that's kind of a sad *(Inaudible)* their part but I don't know. I don't think we can do anything about it but I think it's kind of sad.

**President Friend:** Sir, you had...the maintenance man...I think you held your hand up. You were wanting to say something.

**Maintenance Man:** What about trading property for property?

**President Friend:** Come again? Can you state your name and address.

**Lee Oden:** Lee Oden, 215 S. Kerth. What about trading properties for properties? Way I's told at the City was trading D-Patrick, that property, for their property downtown to build on. *(Inaudible)*

**President Friend:** No that...the City is actually going to purchase, with hard money...

**Lee Oden:** Okay.

**President Friend:**...that location down there.

**Lee Oden:** Okay. That's what I've been hearing.

**President Friend:** Yes. They will be.

**Lee Oden:** Okay. That's all I want to know.

**Unidentified Speaker:** *(Off Mic) (Inaudible)*

**Mable Dunbar:** *(Off Mic)* Yeah, nobody cares.

**Lee Oden:** *(Off Mic) (Inaudible)*

**Mable Dunbar:** *(Off Mic) (Inaudible)* go to be out by the 2<sup>nd</sup> of August. I don't know what they going to do. That's why I said D-Patrick...*(Inaudible)* We have nowhere to go.

***Speaking Simultaneously***

**Lee Oden:** *(Off Mic) (Inaudible)*

**Mable Dunbar:** *(Off Mic) (Inaudible)* I just feel that D-Patrick and *(Inaudible)* should have came to us, you know, as a *(Inaudible)*. You know what I'm saying.

**Lee Oden:** *(Off Mic) (Inaudible)*

**Mable Dunbar:** *(Off Mic) (Inaudible)* I don't know what they going to do.

**President Friend:** Do we have anybody else in the audience? Yeah. State your name please.

**Connie Whitman:** I'm Connie Whitman, 1780 S. Norman. I don't live in the area but I do know somebody owns the property in the 300 block of S. New York. Probably shouldn't get involved in this but like Mr. Mc...Councilman McGinn said, willing buyer and willing seller and then you have people like this, the renters, who aren't willing. It just seems like neighborhoods are being torn up for I don't know what. D-Patrick, in the paper, back peddled and said well they're looking at three locations. I don't even believe they're really going to go there. I believe something else is going to go there. It just seems like there's a lack of transparency and I just wish that I didn't constantly have the feeling that there's something we don't know; that somebody's keeping something from us and when you read that somebody's been buying up properties in the area for five years for a secret buyer, it just doesn't feel right. I just wanted to say that. Thank you.

**President Friend:** Thanks Connie. Anybody else in the audience? Okay, anybody else in Council have any other questions?

With that I guess I entertain a motion to adopt the G-2014-13.

**Councilwoman Mosby:** So moved.

**Councilman Adams:** Second.

**President Friend:** I had a motion made by Councilwoman Mosby and seconded by Dr. Adams. Please call the roll dealing with G-2014-13.

***Comments made by Councilmembers prior to casting their respective votes:***

**Councilwoman Brinkerhoff-Riley:** I just, very briefly, would say that, I mean I know how probably the rest of you feel as well. I mean it's hard economics are very unsettling. It's very difficult to see that obviously the seller of these properties are selling presumably at a profit and the six weeks that these tenants have to get out of their properties is probably

unreasonable given the economic strata that those properties exist in. Doesn't mean I don't support the project it's just it was really unfortunate to see what I saw tonight and I think that's very poor behavior on the part of the sellers. With that, I'll vote for it.

**Councilman Lindsey:** Yeah, I think it's, you know, it doesn't reflect on D-Patrick but I think it really reflects poorly on the owner, you know, how much money does an individual need? I'm sure that he's been well compensated for this and, you know, I myself will not vote for this. My vote is no.

**President Friend:** Well, like I said, I...this is unfortunate when people get displaced. I would hope that the owners could assist in any way they can to find locations for these folks. Last thing we want to do is to have people on the street. It's not the way to go and unfortunately we got this situation brewing. With that I will vote...I vote aye.

### **ROLL CALL**

**Aye:** McGinn, Mosby, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Friend

**Nays:** Lindsey

**Absent:** Robinson

**President Friend:** With I guess...how many ayes we have?

**City Clerk Windhorst:** Seven.

**President Friend:** Seven (7) Ayes and one (1) Nay, it goes forth; declared G-2014-13 is hereby declared adopted.

### **REGULAR AGENDA**

#### **THIRD READING OF ORDINANCES AND RESOLUTIONS**

<b><u>ORDINANCE F-2014-7 AMENDED</u></b>	<b><u>FINANCE</u></b>	<b><u>O'DANIEL</u></b>
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An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriation of Funds for Various City Funds

**President Friend:** Do we have any discussion from members of Council on this one? What about anybody in the audience?

Okay, with that I entertain a motion to adopt F-2014-7 as amended.

**Councilman O'Daniel:** So moved.

**President Friend:** I had a motion made by Councilman O'Daniel and seconded by Councilwoman Brinkerhoff-Riley. Please call the roll dealing with F-2014-7 as amended

**ROLL CALL**

**Aye:** McGinn, Mosby, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Friend

**Absent:** Robinson

**President Friend:** With eight (8) Ayes, zero (0) Nays, the amendment is as amended is duly passed.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE F-2014-8**

**FINANCE**

**O'DANIEL**

An Ordinance of the Common Council of the City of Evansville Authorizing Repeal of Appropriations of Funds within a City Department (DMD)

**President Friend:** Any discussions from members? Council? Anybody in the audience for or against?

I entertain a motion to adopt Ordinance F-2014-8.

**Councilman O'Daniel:** So moved.

**President Friend:** I had a motion made by Councilman O'Daniel and seconded by Councilwoman Brinkerhoff-Riley. Please call the role with F-2014-8.

**ROLL CALL**

**Aye:** McGinn, Mosby, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Friend

**Absent:** Robinson

**President Friend:** There being eight (8) Ayes and zero (0) Nays, Ordinance F-2014-8 is hereby declared adopted.

**RESOLUTION DOCKET**

**RESOLUTION C-2014-15 (DOCKET)**

**COUNCIL AS A WHOLE**

A Resolution Approving an Agreement between the City and the County Regarding the 2014 Byrne Justice Assistance Grant (JAG) Program Award (Local)

**President Friend:** Yes. Will you state your name?

**Sgt. Rick Hubbard:** Sergeant Rick Hubbard, Evansville Police Department, Grant Manager.

**President Friend:** Yes. Tell us what we got here.

**Sgt. Rick Hubbard:** This is a local JAG Grant by the Department of Justice. The amount is for \$56,124. There is a percentage that goes to the Vanderburgh County Sheriff's Department. They would receive out of that total, the County Commissioners agreed to this last week, they would receive \$7,857 and while the City of Evansville Police Department would receive the \$48,267.

**President Friend:** Do we have any questions from members of Council?

**Councilman Adams:** Remind us what this money's used for sir.

**Sgt. Rick Hubbard:** This fund here is for overtime for the Police Department and the Sheriff's Department is going to buy some equipment with it. The Police Department will be using it at the Chief's discretion but I believe he's leaning toward using it for the Gang Task Force.

**President Friend:** Is there any...any other questions? Anybody in the audience have anything to say about this?

Thanks Rick...

**Sgt. Rick Hubbard:** Thank you.

**President Friend:**...for coming up. I entertain to adopt...

**Councilwoman Mosby:** So moved.

**Councilman O'Daniel:** Second.

**President Friend:**...Resolution C-2014-15. I had a motion made by Councilwoman Mosby and seconded by Councilman O'Daniel. Please call the roll.

#### **ROLL CALL**

**Aye:** McGinn, Mosby, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Friend

**Absent:** Robinson

**President Friend:** With eight (8) Ayes and zero (0) Nays, Resolution C-2014-15 is hereby declared adopted.

## **RESOLUTION DOCKET**

### **RESOLUTION C-2014-16 (DOCKET)      FINANCE**

**ROBINSON**

A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for Property Tax Phase-In for the Construction of Real Property and/or Acquisition and Installation of Manufacturing Equipment (New Odyssey Investments, LLC/D-Patrick, Inc.)

**President Friend:** Okay, we're open to discussion on this. Yes, Debbie can you explain this?

**Debbie Dewey of GAGE:** I guess for correction, we're doing the whole preliminary resolution rather than just First Reading tonight? Is...

**President Friend:** Well wait. We should...way I...my understanding on this was we were going to...this wasn't the phase-in exactly. I thought we were going wait that over until the next time.

**Debbie Dewey of GAGE:** No, I mean this was a resolution for a tax phase-in that had to come forward with but the ordinance had to passed first...

**President Friend:** Right, right.

**Debbie Dewey of GAGE:**...so I thought with the ordinance passed in this meeting that this would just be First Reading and the next time we met with the Finance Committee we would go through...

**President Friend:** Yeah.

**Debbie Dewey of GAGE:**...what we normally do with Finance. I mean I...if that's...we can do it now. I didn't realize...

*Speaking Simultaneously*

**President Friend:** That was my original thoughts on it.

**Debbie Dewey of GAGE:** I mean.

**Councilman O'Daniel:** *(Off Mic) (Inaudible)*

**President Friend:** Want me to hold it?

**Councilman O'Daniel:** *(Off Mic)* Why don't we take that...either hold it or do you want to put it into Finance Committee for July 14<sup>th</sup>.

**President Friend:** Why don't we do that?

**Debbie Dewey of GAGE:** I mean do you want to put it in Finance Committee...

**President Friend:** Yeah.

**Debbie Dewey of GAGE:**...or did you want to cover it now? I can...I'm prepared, its... I'll leave it up to Council.

**President Friend:** Well...

**Council Attorney Danks:** *(Off Mic)* It might be *(Inaudible)* of having the formality of the ordinance...

**President Friend:** Yes.

**Council Attorney Danks:**...which would require a Second and Third Reading *(Inaudible)*.

**President Friend:** Yeah. I think so too.

**Council Attorney Danks:** *(Off Mic)* *(Inaudible)* Finance Committee.

**President Friend:** Yeah, this could run through the Finance Committee next time. Could we do that?

**City Clerk Windhorst:** Um-hem.

**Debbie Dewey of GAGE:** That's what I thought we were...

**President Friend:** Yeah, I need a motion for that I guess.

**Councilwoman Mosby:** So moved.

**President Friend:** I had a motion by Councilwoman Mosby and seconded by...

**Councilman McGinn:** I'll second it.

**President Friend:**...by Councilman McGinn, Dan McGinn. Okay, we'll just hold that over and go through the Finance.

**Debbie Dewey of GAGE:** Okay, so we'll do the normal like preliminary resolution with Finance, Second and Third Reading.

**President Friend:** Yes. Right.

**Councilman O'Daniel:** Yeah, let's a...if I could suggest, I think the 5:10 matter on the 14<sup>th</sup> will go relatively quick if we set this for 5:15.

**Debbie Dewey of GAGE:** Okay.

**Councilman O'Daniel:** You want to do that?

**President Friend:** Okay.

**Debbie Dewey of GAGE:** And then we'll do the public notice period and then on the confirming resolution, is that something that can be done in one meeting? I mean normally we do that in two as well. I don't...

**President Friend:** I don't know. What do you think?

**Councilman O'Daniel:** That would probably...this the is the preliminary...

**Debbie Dewey of GAGE:** I should ask that when I come back on the 14<sup>th</sup> and see how we do it then, okay.

**President Friend:** Yeah, yeah let's do that. Why don't we do that?

**Debbie Dewey of GAGE:** Do it that way.

**President Friend:** That'd be great. We'll just hold this.

**Debbie Dewey of GAGE:** Okay.

**President Friend:** Okay.

### **MISCELLANEOUS BUSINESS**

There will not be a meeting on June the 30<sup>th</sup>. Our next one will be Monday, July the 7<sup>th</sup>. No, I take that back; nor July the 7<sup>th</sup>. We won't be back here until July the 14<sup>th</sup> at 5:30 p.m. and we'll have Committees beginning at 5:10 p.m. and then Conor, you'll come in at...

**Councilman O'Daniel:** 5:10 and 5:15.

**President Friend:** 5:10 and 5:15, okay.

On this Economic Development Program Manager Growth Alliance, there's a, what's it Shance Sizemore? Okay, yes.



**Shance Sizemore of GAGE:** Hello, Shance Sizemore with Growth Alliance for Greater Evansville. In front of you, you have the packets for the first group of Tax Phase-In Compliance for 2014, paid 2015. With that you have a spread sheet that looks at both their real and personal property investments and their job creation numbers compared to their estimated numbers on the original SB1, as applied for the tax phase-in.

With that, the Council must decide substantial compliance. By state code, substantial compliance means that it was an action brought on by themselves. Non-compliance cannot be something that was caused from factors beyond their control.

If you look on the compliance sheet, the only number that is kind of stands out would be Mead Johnson and the separation from Bristol-Myers Squibb. That happened, I believe, in 2012. Because of the separation being two publically traded entities, they can no longer count the jobs, not that those jobs do not exist.

With that being said, is there any questions about the packet or what you have in front of you?

**President Friend:** Do you have any idea if they hadn't split, would they have within comp...you don't have any idea of knowing that, do you?

**Shance Sizemore of GAGE:** Not exactly. I mean obviously, Bristol-Myers still maintains jobs here so I'm assuming they'd be much closer, if not over compliance. But without having no way to go and contact...Bristol-Myers is a company we don't know exactly what their employment count is. If you look in their...their future resolutions or their tax phase-ins based upon what they said they *(Inaudible)* actually were over-compliance, I believe, by five employees.

Also included in your packets were the CF1s, or anybody under 98% compliance does have a statement of non-compliance just so that you guys have a little more information. I do not speak for the companies but I try to make it as easy as possible on you.

**Councilman Adams:** Thank you for doing this; very helpful.

**Shance Sizemore of GAGE:** I made it a little bigger this year.

**Councilman McGinn:** *(Off Mic)* Yeah, we appreciate it.

**Councilman Adams:** You and I especially.

**Shance Sizemore of GAGE:** Any other questions?

**President Friend:** Does anybody on Council have any problems with it? When I see the 68%, obviously is Mead Johnson thing but as we talked about that.

**Shance Sizemore of GAGE:** Correct.

**President Friend:** It'd be an enigma because of the way they split. Hate to...

**Councilman McGinn:** And right now, I mean, I don't even think that the numbers, if we had Bristol-Myers employees here, I don't it would make any difference since the local people have no authority over who comes and who goes with the Bristol-Myers segment of it. The thing that I like, that I find impressive on this though is the one that was totally after the split; they're well above compliance with that. So I mean I think that's a legitimate reason, you know, they're boss tossed 'em aside, you know.

**President Friend:** Thanks, thanks so much.

*Speaking Simultaneously*

**Councilman O'Daniel:** *(Off Mic)* Thank you for your work *(Inaudible)*

**Shance Sizemore of GAGE:** And then I do need...as I said to Laura, you probably notice somebody to sign off on the substantial compliance forms.

**President Friend:** Okay. Thank you so much.

**Shance Sizemore of GAGE:** Thank you.

**President Friend:** Yes.

**City Clerk Windhorst:** Can we get a motion and a second to accept these?

**President Friend:** Yes.

**Councilwoman Mosby:** So moved.

**Councilman O'Daniel:** Second.

**President Friend:** I had a motion made by Councilwoman Mosby, seconded by Councilman O'Daniel. Ayes? Nays? *(Unanimous Ayes)* Okay, it goes forth as presented. Thank you so much.

Up we have Bill Frost going to tell us something about the ole ballgame.

**Bill Frost:** Thank you very much. I won't take a whole lot of time but for the last...this is the third year for Evansville Day at Busch Stadium. Last year the president of Council threw out the first pitch and she really enjoyed and I think Jonathan Weaver and Councilman Ford was there...Friend was there and we had had a great time.

This year we're going to have an even better time because we're having it July 19<sup>th</sup>, which is on a Saturday this year instead of a Sunday. We were going to have it Sunday as well but Cardinals called me and said that ESPN stepped in and said, "We are going to make Sunday an ESPN Sunday Night game with the Dodgers and the Cardinals", so we couldn't have it then he said, but we're going to have it 3:05 p.m. on Saturday and we're playing the...obviously we are playing the Dodgers. We've been trying to do it with the Dodgers because of Don Mattingly and we had...they've always played Monday, Tuesday, Wednesday, and Thursday. Well this year they're playing Friday, Saturday, and Sunday at Busch Stadium so we're going to have that.

And the real nice thing is that, as everybody should know, that the University of Southern Indiana baseball team won the national championship in North Carolina, Division II. I've arranged for them to go down on the field and be recognized as part of Evansville Day. And those guys out there at USI, those kids out there, are just elated. They thought they got a second Christmas present. A couple of 'em said, "Well I'm not going to believe it til I'm standing on the field", because that's in front of...they're going to get recognized in front of 40,000 people.

So I just want to let you know that we're still doing this and we're going to have a great time and I hope to see you, all the Council people, at the game and like I said, we're going to continue this as long as its successful.

**Councilman O'Daniel:** You still got tickets available?

**Bill Frost:** Yes and...

**President Friend:** How do you get those tickets?

**Bill Frost:**...and we get those tickets at Banterra Bank. They've been a great supporter.

**President Friend:** Banterra.

**Bill Frost:** And you get those tickets at Banterra Bank and the normal...the normal price on 'em is \$75.00 but they're \$30.00 for Evansville Day and we're all in one section this year instead of two or three different sides of the ballpark. We're all on one section so that's great and there's only 25 games left after July 19<sup>th</sup>, home games, there's only 25 left so everybody needs to come out and enjoy it and support Evansville. We're going to have a great time.

**President Friend:** You also get a hotdog with that too, don't you?

**Bill Frost:** No, they don't...they won't give us one because it's a Saturday game. That's only on a Saturday.

**Councilwoman Brinkerhoff-Riley:** What?

**President Friend:** *(Inaudible)* does it.

**Bill Frost:** I got outvoted there and I just couldn't do anything so...

**President Friend:** No hotdogs, huh?

**Bill Frost:** No hotdogs this year but they got plenty for sale, so...

**President Friend:** Yeah.

**Bill Frost:**...anyway and the guy at the Card...my friends at the Cardinals said, "Who are going to root for Bill because of Don Mattingly?" I said, "Well I'm rooting for the Cardinals, of course", and then when Don Mattingly ask me, I went "Don, I'm rooting for you, of course".

So anyway, I appreciate your time and you guys are doing a wonderful job. Thank you very much.

**President Friend:** Hey thanks Bill. Thanks for coming out. Thanks.

*Applause*

We have a, I guess Berniece. You would like to address the Council. I guess the topic is the...our sewer system.

**Berniece Terminstein:** Berniece Terminstein, 1636 E. Blackford Avenue. Several weeks ago, on June the 2<sup>nd</sup>, FOX News reported a large sinkhole in the City of Evansville, Indiana. I have a concern and it is this: With all the demolition of buildings downtown to make room for so many new large structures such as the Hilton Hotel and the IU Medical Center, can the old sewer system downtown withstand all that stress? After completion of the IU Medical Center and the hotel, there will be increased demands on water and sewer usage. Will we be seeing more sinkholes and water main breaks than what have already occurred? These are all expenses that affect the City budget and have to be dealt with. Thank you.

**President Friend:** Well Berniece, well I guess we need to ask that of our Director of Utility. Maybe he can come back next time, our next meeting, and answer that for us.

**Berniece Terminstein:** Thank you.

**President Friend:** Thanks for bringing that to our attention, so much.

There was one other thing too. I...you know I originally was going to ask Ed Hafer to come out tonight to talk about the acquisition of the property that we had at Fourth Street and Third Street cause it was...these leads into downtown and some of the que...emails I had received was that some people was worried about the assessed value of this property versus what it was purchased for was...was quite different. I think Jonathan, I think you actually looked it up on the website about the assessed value on this property. It was quite a bit less than what...what was paid for it, correct. I didn't write the number down. I think you wrote 'em down.

**Councilman Weaver:** Yeah, I believe the total AV of all the parcels is about...near \$120,000.

**President Friend:** A hundred and twenty. I think we paid...

**Councilman Weaver:** I looked it up *(Inaudible)*

**President Friend:** I think the total cost we have is \$465,000 by the time you take it all out *(Inaudible)*, all it together. And what...on the face of it, it does appear that, you know, we paid way, way too much for it but then I checked, and I think some other Councilmembers also checked, about the appraised value of the properties then total came in at oh, a little bit much, a little higher than that; not a whole lot higher but somewhat higher and for some reason I guess we can't say what the appraised value was, which, you know, when we talked about this Conor, I don't know what that was about.

**Councilman O'Daniel:** *(Off Mic) (Inaudible)* that it was paid for, if it was done by state law, or actually *(Mic On)* state law was...

**President Friend:** Yeah, state law was done.

**Councilman O'Daniel:** Two appraisals and it looks like the price was somewhere in the middle.

**President Friend:** Somewhere in the middle of it all, so I mean so there is appraised values that I know I've reviewed and I think some other members have reviewed. I guess the question I guess I would have to, and I talked to Kelley, with you a little bit, what...why we purchased that property and whatever and Ed's not here and I think Kelley, you was not here when this thing went down. I know may Steve, you maybe address this for us. Can you give us some words about it? What the purpose was?

**Chief of Staff Schaefer:** *(Off Mic)* Sure and Ken Newcomb is here as well.

**President Friend:** Yeah, oh yeah, Ken, yeah, yeah.

**Chief of Staff Schaefer:** *(Inaudible) (Mic On)* transaction on behalf of the City. Steve Schaefer, Chief of Staff for the Mayor. I believe we can say the amounts of the appraisals, it's just the appraisals themselves are confidential documents but the amounts can be...

**DMD Interim Director Coures:** The appraisals themselves are not public review but the appraised amounts are for public view and were sent...I sent the documents to both...I sent 'em to Councilman Riley and *(Inaudible)*

**President Friend:** Conor, you picked 'em up too? I got 'em too.

**DMD Interim Director Coures:** You got 'em too.

**President Friend:** I got 'em as well.

**DMD Interim Director Coures:** So everything that was for the...was at the Board...at Redevelopment Commission, everything that they reviewed I sent to the three Council *(Inaudible)*.

**President Friend:** So we...we don't have a problem just saying what the total number was.

**DMD Interim Director Coures:** Right.

**President Friend:** We don't have to give the details.

**DMD Interim Director Coures:** You don't have a problem *(Inaudible)*.

*Speaking Simultaneously*

**President Friend:** That was like 485.

*Speaking Simultaneously*

**DMD Interim Director Coures:** It's just the documents themselves are not for public view.

*Speaking Simultaneously*

**President Friend:** Yeah, it was \$485,000, the average was.

**Chief of Staff Schaefer:** Yeah and Ken can give you both amounts on the appraisal and then the final. Do you want to discuss it?

**Ken Newcomb, Jr.:** Yes, one of the...I was contacted by Phil Hooper and Ed Hafer about the possibility of purchasing these properties. This property is...you ask why the City has purchased it, I mean the, I think the comment was that this is the entranceway and the gateway to

downtown Evansville so we've made mistakes in the past of entranceways to our cities allowing less than stellar properties to be built on 'em, such as Highway 41. We zoned some property for some mini-warehouses, coming right across the bridge, first property you see. We did not, or the City, did want to see mini-warehouses or properties that were not conducive to the area and the entrance to the downtown, conducive to the new entrance to IU Med Center. This is also the entrance to the, you know, the Ford Center, the gambling casino, you know in...that's the front door.

So we were contacted about purchasing the properties and two of the properties were listed with another brokerage firm other than F.C. Tucker. We contacted that broker, asked for the list price, got the information on it, provided that to the City. The other parcel was owned by another real estate broker here in town. We contacted them, got a price on that one and then negotiated the purchase price.

Now, in our business the...and you can look, we see this on a daily basis, the assessed value, nine out of ten times, and Jonathan can kind of assist in saying this, they don't match up with what the appraised price is, or typically, what the sale price is going to be. Typically, that assessed value is going to be a little bit lower or considerably lower in a lot of cases, and that was the case in this scenario. You know, there's numerous cases on a daily basis where they come through the Recorder's Office that people pay higher than what the assessed value is. The assessed value has nothing to do with market desire and market value.

So with that being said, we did put together a package. We got two appraisals on each parcel. The appraised prices came through at higher than the negotiated price of purchase was. The City did their due diligence in getting environmental reports on all the properties, and then at that time with Redevelopment's approval...this property also was on the Redevelopment Commission's targeted list to purchase since 2002 so anybody that's been involved with the Redevelopment Commission since 2002 could see their maps and see that this was on the... as a targeted lot to purchase since 2002.

So they felt like that it was a good time to go ahead and purchase this. All three of 'em were for sale and so that's why they went ahead through with the purchase at this point.

**President Friend:** Ken, can I...what...what I always wonder about is did we...can we not control, to some degree, the zoning, how...what we can put on places just by putting restrictions on it? We could...could we have done that instead of leave it, oh for the private sector to come in and put their money in? What, cause the reason what I get at it from this, I think a lot of people agree we me, you know, we remember McCurdy, you know, we put 1.4 million dollars in McCurdy and I know we...we're still working on that and that was back in 2007. *(Inaudible)* some of the other blighted areas, some of the neighborhoods what we do some of that. I get that but, I don't know, I get...

**Ken Newcomb, Jr.:** Well, it's...

**President Friend:** I would like to see the market forces come into play whenever possible. That's my personal opinion.

**Ken Newcomb, Jr.:** Well I think...I think the lady that was with the Area Plan made it pretty clear; you can make those restri...by law, you can't make the restrictions that are required on that. You know, as Mr. McGinn stated earlier about the restriction on the other property, you know there's already restrictions in this city to eliminate or not allow topless bars in certain areas or under certain zonings. We see this happen all the time. Say well, you can't if you'll read the code, you can't locate it there on a C-4 property anyway. You know, this enables the City now to control one parcel that is an entire city block that a developer does not have to go out and negotiate with these. One of these individuals could have sold off and then that would have blown the whole project, basically. The one that sits right in the middle, Mr. Brown, was leasing this out to a club that had numerous problems. In leasing in out, what I would say probably against (*Inaudible*) which I know was against City code, it did not meet City code any longer. He lives in Owensboro; he doesn't understand that. He was leasing it out for private parties, for...there was a lot of police calls down there. This eliminates that problem. Now the City owns the whole parcel. Anybody can come in. It's like getting a Greenfield site within the city. When a Greenfield site is up and it's all put together, all your paperwork is done, you've got your environmental done, you got all of your acquisitions done, you've got all your title work done. Developers want to go to that type of property. They don't want to spend the time to come in and try to put together all these properties. That's what they hire people like me to do. So when that's a clean slate and you can look at it and say, "Hey, the City owns this, they're wanting a proposal that anybody can bid on now. If they like the idea, the City has the ability to sell it to 'em if they like what's going to go there. If somebody wants to put up mini-warehouses there, and has the money, then you guys get to vote on that and say, "Ehhh, I don't that idea". You know, "We're not going to sell it to you, but if you put up a nice office building or a ball park or something other than that".

**President Friend:** Ken, do we have a master plan out on this? Obviously, if this has been in the works since 2002, what other properties do we have out there that the City...

**Ken Newcomb, Jr.:** The Redevelopment Commission does have a master plan of targeted properties, yes they do. And that...

**President Friend:** We do have it?

**Ken Newcomb, Jr.:**...has been available back...

**DMD Interim Director Coures:** (*Off Mic*) For years. It goes back...



**Ken Newcomb, Jr.:**...many years, many years.

**DMD Interim Director Coures:** *(Off Mic) (Inaudible)* the master plan, the downtown master plan, is from 2001. It's been amended as time's gone on but the original downtown...

**President Friend:** Okay, I was just won...

**Ken Newcomb, Jr.:** Yeah, just because it's on the master plan does not mean that the City actually has plans to purchase that property but when it comes into play, something as important as this piece that...feel like is...is really the entrance to our city, our entrance to the downtown. They did exercise that option to go ahead through with it and buy that piece. There's a lot of other parcels in the downtown area that are on that master plan list that may not necessarily be purchased. Just cause you're on that list does not mean that you're going to get purchased.

**President Friend:** Any other...

**Councilman O'Daniel:** *(Off Mic)* I'd like to hear from Stan on this. He's our appointee to the...

**President Friend:** Yeah.

**Councilman O'Daniel:**...Redevelopment Commission. What was the discussion going on in the...

**Stan Wheeler:** *(Off Mic)* Just exactly what's been explained to you and that's why I voted yes on it.

**Councilman O'Daniel:** *(Off Mic)* Very well. Thank you.

**Councilwoman Brinkerhoff-Riley:** I have two questions if *(Inaudible)*. The one...first question is do you have the prior sale price and year of sale for each parcel, each of these three properties? It's my understanding that at least one of them was purchased after 2002.

**President Friend:** It was 2004.

**Councilwoman Brinkerhoff-Riley:** One of 'em was purchased in 2004. I just...when you say that this has been on the acquisition list since 2002...

**Ken Newcomb, Jr.:** Yes. There was one property down there that was...that is included in the acquisition list that was purchased separately by an individual. He's a professor at USI I believe. That property...this property was not all put together as a package to be able to purchase it all. He purchased that property at tax sale, was asking \$30,000 for it and we negotiated...can I say

the sale price? We negotiated a sale price of \$5,000 on that property and neither broker received commission on that sale.

**President Friend:** Well Ken, when I looked at it the property was purchased by Parker and both Goebels. It was Kevin and...

**Ken Newcomb, Jr.:** Marlon and Steve.

**President Friend:** Marlon back in 2004.

**Ken Newcomb, Jr.:** Right.

**President Friend:** That was...that's according to the records. So it was a 2004 acquisition not two.

**Ken Newcomb, Jr.:** Okay.

**President Friend:** So they did this after it was already on the *(Inaudible)* purchase.

**Ken Newcomb, Jr.:** It was their intent, cause Mr. Parker worked in my office at that time, and it was their intent to build an office building on it. That was the reason for their purchase.

**Councilwoman Brinkerhoff-Riley:** What did Mr. Goebel pay for it in 2004?

**Ken Newcomb, Jr.:** I did not check the sales' disclosure record and I really have no...no idea what they paid for it.

**Councilwoman Brinkerhoff-Riley:** You don't know...the two parcels...and I got to see just those cover sheets of the appraisal so I saw the range between the two. You don't know what the prior year of sale for each one of those parcels was and what they sold for.

**Ken Newcomb, Jr.:** Well the middle property, Mr. Brown has owned that...I want to say back in the 60s. That's when...

**Councilwoman Brinkerhoff-Riley:** Yeah I thought one of them was super...

**Ken Newcomb, Jr.:** *(Inaudible)* Vixen or one of those old nightclubs was.

**Councilwoman Brinkerhoff-Riley:** Okay.

**Ken Newcomb, Jr.:** But I'm not...I am not...I guess I could have looked that up but I'm not sure what they paid for. I mean, our job is to kind of look at what market value and what they're going to sell it for. What they paid for it previously is really irrelevant to the point.

**DMD Interim Director Coures:** The appraisers...both appraisers, Mr. Woodruff and...

**Councilwoman Brinkerhoff-Riley:** Mr. Matthews.

**DMD Interim Director Coures:**...Mr. Matthews who are the two premiere appraisers and real estate analysts in the city would have looked at what all prior sale prices were when they were compiling their analysis for the whole parcel. They had that information.

**Councilwoman Brinkerhoff-Riley:** Yeah, I know. We just...we just didn't get to see it so...

My other question was, and I think this is pretty standard but in the sheet of the appraisal we could see. I think it's standard language but it says this appraisal is basically based on the conditions and stipulations that are stated on further back on a page that we weren't privy to. Are those just...was there anything special about the conditions or stipulations that establish the price.

**Ken Newcomb, Jr.:** Well no, no not really. I mean none on...

**Councilwoman Brinkerhoff-Riley:** Cause I know it says that probably in every appraisal.

**Ken Newcomb, Jr.:** Yes, it does and you know, like I mentioned the one that the building that was there no longer meets code. You can't...you're not going to be able to open a nightclub back in that same building unless you spend a ton of money. They did environmental reports on all the properties. There were a couple issues down there with the environmental reports but we got...actually got a cost on that as well and reflected that in the purchase price.

Any other questions?

**Councilman Weaver:** You're not going to see any sale price on these property record cards prior to 2008 so I mean you're see a sales history but you won't see a *(Inaudible)*.

**Councilman O'Daniel:** And Jonathan, you don't get...when you were assessor, you didn't get too many appeals for properties that were under appraised, did you?

*Laughter*

**Councilman Weaver:** We had appeals.

**Ken Newcomb, Jr.:** Under assessed.

**Councilman O'Daniel:** Under assessed I should say.

**Ken Newcomb, Jr.:** Under assessed, yes.

**Councilman Weaver:** Just to go back to what Mr. Newcomb was saying, you know there's ways to value a property. For this...for this scenario we use...well I don't know what the current assessor uses. It's assumable to income-approach the value. It's market value and use vacant land, that's why it's assessed so low, so whoever ordered appraisal determined the scope of the appraisal and it probably was not based on income.

**President Friend:** Yeah. Do we have any idea...do you have any idea what it's going to cost to demolish that? I think we got a building on there I think we have to take down.

**Ken Newcomb, Jr.:** I did not get a bid on that. I left that up to the City. They have contractors that they use for that and in the interim period, I believe it's being used for storage of some sort so I think they are utilizing it in some way in the interim period for storage.

**President Friend:** Okay great. Any other questions?

**Ken Newcomb, Jr.:** I'd like to address one other thing that...while I'm up here that is somewhat discouraging the way it came out. I was also involved in representing New Odyssey in the purchase of the Highway 41, or the potential purchase of the Highway 41 properties. The three owners, in particular the largest three owners of 47 properties that are in that Highway 41, Walnut, New York, and Sycamore quadrant there had been trying to acquire these properties over 20 years. There was no trend...I mean everybody that works around that area knows those three buyers. If they had a home to sell, they could go to anyone of those three. The people that complained up here, we do really have a concern about and displacing people but the issue there is the eviction letters went out to people for lack of payment of rent prior to New Odyssey Investments ever entering into a contract. So that was being driven solely because lack of payment of rent that any landlord would do if you have a rental home and your tenant is not paying, you're going to evict them. Now it just so happened that that came about a couple weeks prior to them entering into a contract with New Odyssey.

Our firm has provided everyone in this area a list of places to go that will...right today, there's over 500 rental homes available, not just through our firm but through ERA, Tucker, Heritage Investments, Evansville Homes for Rent and I think there's one other large one. Those five prop...those five property management companies have a total of over 500 homes available so, you know, I think...I think New Odyssey has been very concerned about these people in this area but for them to stand up here and say that they're getting evicted, those eviction notices

were sent out to people prior to New Odyssey coming in and were sent for lack of payment of rent so I just wanted to clarify that.

**President Friend:** *(Inaudible)*

*Speaking Simultaneously*

**Councilwoman Brinkerhoff-Riley:** Some of them did receive letters to be out by August 1<sup>st</sup> that aren't behind on their rent and that's pursuant to...

**Ken Newcomb, Jr.:** And that's after the fact, yes it is.

**Councilwoman Brinkerhoff-Riley:** But that is still just six weeks and the only thing I would say is, and I understand there's quite a bit of rental property available, but I think you would probably have to agree that in the price range of what is available versus where they were renting in neighborhoods...

**Ken Newcomb, Jr.:** I would say the price range is not as big as issue...I think all five of those firms do require you to put a deposit...

**Councilwoman Brinkerhoff-Riley:** Yes. That's the other issue.

**Ken Newcomb, Jr.:**...and at least pass a...they want a credit report...

**Councilwoman Brinkerhoff-Riley:** Right.

**Ken Newcomb, Jr.:**...as any landlord, whether in this area or anywhere else in the city is going to do so that's standard...

**Councilwoman Brinkerhoff-Riley:** Is there levels...

**Ken Newcomb, Jr.:**...procedure...

**Councilwoman Brinkerhoff-Riley:** I understand.

**Ken Newcomb, Jr.:**...in renting property, whether it's downtown, in a high rise, or single family residence. They want to know who they're going to rent to.

**President Friend:** Ken, did any...did any of these people, where they in Section 8? Were there any Section...

**Ken Newcomb, Jr.:** There was a few Section 8 renters in the area, yes. How many I'm not real sure. I want to guess...say four or five...

**President Friend:** Okay.

**Ken Newcomb, Jr.:**.....Section 8 people there. So...

**President Friend:** Thanks Ken.

**Ken Newcomb, Jr.:** Thank you.

**Councilman McGinn:** Let me make a comment from what Ken said too, and I won't go into the long detail but the lawyers on this panel know that, I mean, our entire common law is based on property rights as they existed in England eight or nine hundred years ago. And everyone should know that this board has absolutely no power, other than through zoning or code violations, to tell or demand that a person, you know, we can't tell a landowner or a homeowner what to do. We can't prevent them selling or buying real estate. It's as simple as that; it's black and white and we just cannot touch that. There's just a 1000 years of common law. Just general information folks.

**Ken Newcomb, Jr.:** Thank you very much for your time.

**President Friend:** Thank...yes, we...

**Jim Braker:** *(Off Mic) (Inaudible)*.

**President Friend:** Please state your...

**Jim Braker:** Jim Braker.

**President Friend:** Hey Jim.

**Jim Braker:** 1700 E. Blackford, Evansville. You all passed the Homestead Credit but what was the percentage?

**President Friend:** Eight percent.

**Councilman Adams:** Eight.

**Jim Braker:** Very good. That's what I wanted to hear.

**President Friend:** That's what...I wanted to do 10. I wanted to give you 10 but they wouldn't let me do it.

*Laughter*

**Jim Breaker:** Yeah well, that sounds like a John Friend...we'll let that go.

*Laughter*

**President Friend:** All right. I got my limits they tell me.

**Jim Breaker:** You're the best.

**President Friend:** Thank you so much. Yes?

**Councilwoman Mosby:** John, I just wanted to an update for the Animal Control as the liaison. There is going to be a fundraiser at Evansville Animal Care & Control Saturday. It's called the Spirit Fest. It's from 11:00 a.m. to 3:00 p.m. so if you could please come out and support our Evansville Animal Care & Control we would really appreciate that.

**President Friend:** Thank Missy. Anybody else? Any liaisons have anything to say?

With that, okay, let's go into...okay, one more page, here we go.

#### **COMMITTEE REPORTS:**

##### **A.S.D. COMMITTEE:**

Re: **Ordinance G-2014-14**  
Date: July 14, 2014  
Time: 5: 15 pm  
Notify: Scott Danks

Re: **Ordinance G-2014-12**  
Date: July 14, 2014  
Time: 5: 20 pm  
Notify: Ron London

##### **FINANCE COMMITTEE:**

Re: **Resolution C-2014-17**  
Date: July 14, 2014  
Time: 5:10 pm  
Notify: Chris Kinnett, Growth Alliance

##### **CHAIRMAN: H. DAN ADAMS**

Repealing & Replacing Ch. 8.05.260  
Through Ch. 8.05.290 Health and Sanitation  
of the Evansville Municipal Code  
(Lead Poisoning)

Amending Chapter 18.140 of the Evansville  
Municipal Code (City Sign Ordinance)

##### **CHAIRMAN: CONOR O'DANIEL**

Preliminary Resolution Declaring an  
Economic Revitalization Area for Property  
Tax Phase-In for the Construction of Real  
Property (Traylor Bros., Inc.)

**Councilman O'Daniel:** Then at 5:15 p.m. we'll here 2014-16, which is the same sort thing for New Odyssey Development.

**PUBLIC WORKS COMMITTEE:**

Re: **Ordinance G-2014-11**

Date: July 14, 2014

Time: 5:25 pm

Notify: Jennifer Elston

**CHAIRMAN: AL LINDSEY**

Vacate Portion of Right-of-Way of Chestnut  
St. Between 6<sup>th</sup> St. & Martin Luther King  
Blvd.

**ADJOURNMENT**

President Friend: I entertain a motion for adjournment.

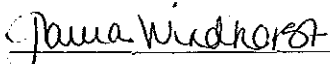
**Councilwoman Mosby:** So moved.

**President Friend:** Councilwoman Mosby and...

**Councilman O'Daniel:** Second.

**President Friend:**...and Councilman Conor O'Daniel. It is closed. *Bang of Gavel*

Meeting adjourned at 7:10 p.m.



Laura Windhorst, City Clerk



John Friend, President